

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
TYLER E. BAKER (New Jersey Bar No. 44392011)
tbaker@sheppardmullin.com
CHRISTOPHER J. BOSCH (Admitted *Pro Hac Vice*)
cbosch@sheppardmullin.com
30 Rockefeller Plaza, 39th Floor
New York, New York 10112-0015
Telephone: (212) 653.8700

ROBERT D. WEBER (Admitted *Pro Hac Vice*)
rweber@sheppardmullin.com
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067
(310) 228-3700

Attorneys for Defendant Barry C. Honig

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually and on
behalf of all others similarly situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A, BIOPTIX,
INC., MICHAEL BEEGHLEY, JOHN
O'ROURKE, and BARRY HONIG,

Defendants.

Civil Action No.: 18-2293 (GC) (RLS)

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S THIRD
CONSOLIDATED AMENDED CLASS
ACTION COMPLAINT**

MOTION RETURN DATE: OCTOBER 17, 2022

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that on October 17, 2022, or as soon as the Court deems appropriate, Defendant Barry C. Honig ("Mr. Honig") will appear before the Honorable Georgette Castner, U.S.D.J., at the United States District Court for the District of New Jersey, 402 State Street, Courtroom 4E, Trenton, New Jersey, and will move this Court, pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C.

§ 78u-4, *et seq.*, for an Order dismissing Lead Plaintiff's Consolidated Third Amended Class Action Complaint for Violations of the Federal Securities Law, with prejudice.

PLEASE TAKE FURTHER NOTICE THAT Mr. Honig shall rely upon the Declaration of Robert D. Weber with exhibits, Request for Judicial Notice, Memorandum of Law in Support, and all papers submitted herewith.

PLEASE TAKE FURTHER NOTICE THAT a proposed form of Order is also submitted for the Court's consideration.

Dated: July 18, 2022

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP

By: /s/ Tyler E. Baker

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